

Robert Novack  
Charles W. Stotter  
J. Emma Mintz  
BRESSLER, AMERY & ROSS, P.C.  
325 Columbia Turnpike  
Florham Park, New Jersey 07932  
(973) 514-1200  
*Attorneys for Defendant*  
*American Sugar Refining, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

INTERNATIONAL SPICE HOLDINGS, LLP,

Plaintiff,

vs.

AMERICAN SUGAR REFINING, INC.,

Defendant.

Civil Action No. 3:17-CV-102-PGS-TJB

**FIFTH STIPULATION AND  
~~PROPOSED~~ ORDER FURTHER  
EXTENDING CERTAIN SCHEDULING  
ORDER DATES**

**WHEREAS**, the Court entered a Scheduling Order on June 1, 2017 [ECF No. 17] (the “Scheduling Order”), a Stipulation And Order Extending Certain Scheduling Order Dates on September 14, 2017 [ECF No. 21] (the “Stipulation and Order”), a Second Stipulation and Order Extending Certain Scheduling Order Dates on February 23, 2018 [ECF No. 25] (the “Second Stipulation and Order”), a Third Stipulation and Order Extending A Certain Scheduling Order Date on April 17, 2018 [ECF No. 26] (the “Third Stipulation and Order”), and a Fourth Stipulation and Order Extending A Certain Scheduling Order Date on May 21, 2018 [ECF No. 27] (the “Fourth Stipulation and Order”), setting forth a schedule to govern this action; and

**WHEREAS**, the parties have continued to be engaged in processing electronically stored information (“ESI”) from multiple custodians in order to respond to written discovery requests and

have worked to make manageable the amount of collected ESI needing review and production given the parameters of this action, inclusive of negotiation of search terms and other ESI collection/production issues;

**WHEREAS**, during this process, the parties exchanged certain information that facilitated the tendering of a settlement proposal on March 30, 2018 designed to resolve all claims, a response to the settlement proposal on May 2, 2018 designed to resolve all claims, and a counter-response on June 13, 2018 designed to resolve all claims;

**WHEREAS**, the parties have been reviewing whether a workable settlement may be possible based on said proposals that would obviate the need for further production/review of collected ESI;

**WHEREAS**, the parties had to date devoted resources to exploring such a settlement as opposed to discovery, and will continue to do so as they deem appropriate;

**WHEREAS**, in the interests of moving this action forward while continuing consideration of a potential settlement, and due to the amount of collected ESI remaining to be reviewed and produced and the number of depositions to thereafter be conducted in this action, the parties believe that certain dates set forth in the Second Stipulation and Order and in the Fourth Stipulation and Order, should be further extended for such good cause as hereby shown;

**IT IS HEREBY STIPULATED AND AGREED** by the parties as follows:

1. The date set forth in Paragraph 1 of the Fourth Stipulation and Order, for the parties to complete review and production of ESI, is extended to and through **July 13, 2018**.
2. The date set forth in Paragraph 2 of the Second Stipulation and Order for completion of fact discovery is extended to and through **October 5, 2018**.

3. The date set forth in Paragraph 3 of the Second Stipulation and Order for service of Requests for Admissions is extended to and through **October 10, 2018**.

4. The date set forth in Paragraph 4 of the Second Stipulation and Order for service of responses to Requests for Admissions is extended to and through **October 26, 2018**.

5. The date set forth in Paragraph 5 of the Second Stipulation and Order for service of affirmative expert reports is extended to and through **November 9, 2018**.

6. The date set forth in Paragraph 6 of the Second Stipulation and Order for service of rebuttal expert reports is extended to and through **December 7, 2018**.

7. The **June 27, 2018** date set forth in Paragraph 8 of the Second Stipulation and Order, for the conduct of a telephone status conference with the Court, is changed to August 6, 2018 at 10:30 a.m. Plaintiff shall initiate the conference call.

8. All other dates and time frames not already passed, and other provisions, set forth in the Second Stipulation and Order and Fourth Stipulation and Order shall remain the same.

So stipulated by counsel for the parties this 15th day of June 2018.

**LAWRENCE C. HERSH, ESQ.**

By /s/ Lawrence C. Hersh

Lawrence C. Hersh, Esq.

17 Sylvan Street - Suite 102B  
Rutherford, NJ 07070  
Tel: (201) 507-6300  
Fax: (201) 507-6311

lh@herschlegal.com

-and-

**BRESSLER, AMERY & ROSS, P.C.**

By /s/ Charles W. Stotter

Robert Novack, Esq.  
Charles W. Stotter, Esq.  
J. Emma Mintz, Esq.

325 Columbia Turnpike  
Florham Park, NJ 07932  
Telephone: (973) 514-1200  
Fax: (973) 514-1660

rnovack@bressler.com  
cstotter@bressler.com  
cgallo@bressler.com

Cameron S. Reuber, Esq. (admitted pro  
hac vice)  
Lori Cooper, Esq. (to apply for pro hac vice)  
LEASON ELLIS LLP

*Attorneys for Defendant/Counterclaim Plaintiff  
American Sugar Refining, Inc.*

One Barker Avenue – Fifth Floor  
White Plains, NY 10601  
Tel: (914) 288-0022  
Fax: (914) 288-0023

reuber@leasonellis.com  
cooper@leasonellis.com

*Attorneys for Plaintiff/Counterclaim  
Defendant International Spice Holdings, Inc.*

**IT IS SO ORDERED.**

Dated: 6/18/18

  
HON. TONIANNE BONGIOVANNI, U.S.M.J.

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